

REASONS

The following is evidence of clear error in the rejections of claims 1 – 11, 13, and 15 – 24.

Claim Rejections – 35 USC § 103

Claims 1 – 11, 13, and 15 – 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis U.S. Publication No. 2003/0110212 A1 in view of Hashimoto et al. U.S. Patent No. 6,397,282 B1. This rejection is traversed.

Claim 1 relates to receiving a request from an application to provide an outgoing message to a destination address, the request including data indicative of a message, the destination address, and an outgoing message type, wherein the data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time; converting the message to the outgoing message in a format compatible with the outgoing message type, the outgoing message format being a different format than the message; sending the outgoing message to the destination address; and providing, in reply to the request, a response to the application indicative of a success of the sending of the outgoing message to the destination address. Thus, it is clear that the claimed data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time.

The Final Office Action dated March 30, 2009 (hereinafter, FOA) cites and relies on Lewis for allegedly disclosing the claimed aspect of, “receiving a request from an application to provide an outgoing message to a destination address, the request including data indicative of a message, the destination address, and an outgoing message type”. Applicant reiterates Lewis is silent regarding, in particular, the claimed request from an application including data indicative of “an outgoing message type”. While the Advisory Action dated July 9, 2009 cites Lewis, paragraph [0004], Lewis in fact fails to disclose or suggest receiving a request from an application to provide an

outgoing message where the request includes the “outgoing message type”. Instead, Lewis discloses,

[0004] Currently, the capability of a messaging system to dynamically interact with a customer is limited. In general, a messaging system facilitates the transmission of messages, such as text messages, over a communications network. For example, in a conventional pager or Mobitex system, text messages are transmitted over a wireless network. A typical messaging system does not provide a configurable interface in which a customer can interact with the messaging system. Those messaging systems that do provide such an interface limit the ability of that interface to only a few basic functions. For example, a typical messaging infrastructure does not permit a customer to query the status of a message based on a unique identifier. Further, a typical messaging infrastructure does not allow a customer to create a password protected distribution list or request a specific type of message notification. Instead, conventional messaging systems limit the functional interaction with customers to some basic routines. (emphasis added)

Applicant notes that paragraph [0004] does not disclose or even address the claimed aspect of receiving a request from an application to provide an outgoing message where the request includes the “outgoing message type”. Instead, Lewis discloses a need for a system or method to allow a customer to query the status if a message based on a unique qualifier and to allow a customer to create a password protected distribution list or request a specific type of message notification. Neither of these expressed needs (not solutions, methods, or specific processes) of Lewis discloses or even suggests the claimed aspect of “receiving a request from an application to provide an outgoing message to a destination address, the request including data indicative of a message, the destination address, and an outgoing message type”.

Regarding the Office’s acknowledgement that Lewis does not disclose that the claimed aspect of the request “data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time”, the Office cites and relies upon Hashimoto. However, Hashimoto fails to disclose or suggest that for which it is cited and relied upon. Despite the Office’s rejection and arguments, Hashimoto actually discloses,

To address the above-mentioned problem, a communication controller of an embodiment of the invention comprises a storage for storing the data of the message being received, a determining unit for determining types of message being received, and a transmission controller for generating interruption requests at different timing for transferring data to the data processor responsive to the determining unit.

According to an embodiment of the present invention, interruption requests to transfer data are generated at different timing according to the types of the message. That is, for instance, an interruption request is generated immediately for the message of the type which requires urgency. An interruption request is generated by another criteria relative to a message which is not urgent. Therefore, data which requires urgency is transferred to a data processor speedily without interrupting the data processor too frequently. Thus, an efficient system operation is achieved.

In accordance with one aspect of the invention, in a computer system having a data processor and a communication controller that controls data reception to the data processor, the communication controller comprises a storage for storing data of a received message, a determining unit for determining whether the received message requires immediate processing or not, and a transmission controller for generating an interruption request to transfer data stored in the storage in response to a determination by the determining unit that the message received requires immediate processing, wherein when interruption takes place, data in the storage, which have been stored by that time and are yet to be transferred, are transferred to the data processor. (emphasis added)
Hashimoto, p. 2, ln. 23 – 39)

Therefore, based on the explicit disclosure of Hashimoto, it is clear that Hashimoto relates to the “transfer” of data that has been previously stored and not yet transferred. Interruption requests to transfer the stored data are generated at different times according to the type of message. In this manner, Hashimoto transfers messages at different rates depending on the urgency of the message as indicated by the type of message being transferred.

Applicant respectfully submits that the present application relates to “converting the message to the outgoing message in a format compatible with the outgoing message type, the outgoing message format being a different format than the message” and “the destination address, and the outgoing message type are not all received in the same request at a same time”. (emphasis added) The claimed converting of a message

to a format compatible with the received outgoing message type is not the same as Hashimoto's transferring of messages at different rates (i.e., urgency) based on the type of the message. Additionally, the Hashimoto's "transfer" of messages at different rates based on the urgency of the message as indicated by the message type is not the same as or equivalent to the claimed aspect of not receiving various parts - the message, the destination address, and the outgoing message - in the same request at a same time. The transfer of previously stored messages is not the same as the receiving of different portions of a request at different times. Therefore, Hashimoto fails to disclose that which is claimed by Applicant. There is nothing in Hashimoto that discloses or even suggests that each associated part of a message is not received at the same time in the same request.

Furthermore, Applicant respectfully submits that the combination of Lewis and Hashimoto fails to disclose or even suggest the pending claims since the Lewis/Hashimoto combination fails to compensate for the lack of required disclosure in each of the cited and relied upon references. That is, the combination of Lewis and Hashimoto fails to disclose or even suggest the claimed aspect of the request to provide an outgoing message includes the outgoing message type and the claimed aspect of data indicative of a message, the destination address, and the outgoing message type are not all received in the same request at a same time".

Accordingly, Applicant submits that claim 1 is not rendered obvious by Lewis and Hashimoto. Additionally it is respectfully submitted that claims 18, 23, and 24 are worded, in relevant part, similar to claim 1. Therefore, Applicant submits that claims 18, 23, and 24 are also not obvious in view of Lewis and Hashimoto. Furthermore, claims 2 – 11, 13, and 15 – 17 depend from claim 1 and claims 19 – 22 depend from claim 18. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 11 and 13 – 24 under 35 U.S.C. 103(a), and the allowance of same.

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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